

Remarks:

The above amendments and these remarks are responsive to the final Office action dated February 9, 2006.

Prior to entry of this Amendment, claims 1, 4, 6, 7, 9-15, 19-15, 20, 21 and 27-29 remained pending in the application. Claims 1, 4, 6, 7, 9-15 and 27-29 have been indicated allowable if rewritten to overcome specified claim objections. Claim 20 stands rejected under 35 U.S.C §102(a) based on Peng et al. (TW Patent No. 500968 – with US Patent Application Publication No. 2003/0151922 being used as a translation). Claim 21 stands rejected under 35 U.S.C §103 based on Peng et al. (US Patent Application Publication No. 2003/0151922) in view of Rodriguez, Jr. et al. (US Patent No. 6,082,864).

First considering formal matters, applicant notes that the Examiner has raised new objections to the drawings, the Examiner having previously indicated that the drawings were acceptable. In particular, the Examiner has indicated that the drawings “fail to show the structure detail of reference numbers 12, 16, 20, 22 and 24 in Figs. 3 and 4, as described in the specification.” Applicant respectfully disagrees, noting that each of the indicated reference designators is shown in Fig. 4, and that Fig 3 is only described in the specification in relation to the opening of panel 20 of projector 10. Reference designators 10 and 20 are both shown in Fig. 3.

The Examiner also objects to claims 1, 4, 6, 7, 9-15 and 27-29 due to informalities in the claim language. In particular, the Examiner suggests a change to claim 9 to make the claim “consistent with applicant’s disclosed invention,” and points

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out insufficient antecedent basis for language in claims 27 and 28. Claims 1, 4, 6, 7, 10-15 and 29 are objected to only due to their relationship to claim 9.

Applicant has amended claims 27 and 28 to provide proper antecedent basis pursuant to the Examiner's Indication. Regarding claim 9, applicant respectfully disagrees with the Examiner's suggestion that the claim is inconsistent with the "disclosed invention." In particular, applicant asserts that the claim need not mimic the language of the specification. Rather, applicant is free to claim his invention broadly, as supported by the specification. The prior claim language is fully supported by the specification. Nevertheless, in the interest of furthering prosecution of the present application on the merits, applicant has amended claim 9 in accordance with the Examiner's suggestion.

With the foregoing amendments, applicant understands that claims 1, 4, 6, 7, 9-15 and 27-29 are in allowable form.

Regarding the rejection of claim 20, applicant respectfully requests reconsideration of the Examiner's indication that the prior-submitted Second Declaration Under 37 C.F.R. §1.131 is ineffective to overcome the Peng et al. (TW Patent No. 500968) reference.

Claim 20 stands rejected under 35 U.S.C. § 102(a) based on Peng et al. (TW Patent No 500968). The Examiner indicates that the prior-submitted Second Declaration Under 37 C.F.R. §1.131 is ineffective to overcome the Peng et al. (TW Patent No. 500968) reference because the affidavit fails to show evidence as to the digital projector being mounted to the ceiling. Applicant respectfully disagrees with this

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characterization, noting that applicant has expressly stated in his declaration that he had conceived of the claimed method of changing a lamp in a digital projector where "the digital projector is mounted to a ceiling" as recited in claim 20. The Examiner's requirement that applicant provide further evidence of applicant's digital projector mounted to a ceiling is unfounded. Contrary to the Examiner's assertion, averments made in a declaration under 37 C.F.R. §1.131 do not require corroboration. Applicant's declaration is itself sufficient to establish conception. See, *Ex Parte Hook*, 102 USPQ 130 (Bd. App. 1953).

Furthermore, even if documentary evidence of conception were required, as the Examiner asserts, such evidence need not expressly show every feature of the claimed invention. See, *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 USPQ 81 (Fed. Cir. 1986). See also, *Burroughs Wellcome Co. v. Barr Laboratories, Inc.*, 40 F.3d 1223, 32 USPQ2d 1915 (Fed. Cir. 1994). Applicant's declaration is sufficient to establish conception based on the evidentiary showing made.

Applicant also notes that the Examiner is relying exclusively on Peng et al. (TW Patent No. 500968) in rejecting claim 20. As noted by the Examiner, claim 20 specifies that the digital projector is mounted to a ceiling. However, Peng et al. (TW Patent No. 500968) does not disclose mounting the digital projector to a ceiling. No ceiling is shown in the drawings of the application as published on September 1, 2002. It is noteworthy here that the Examiner has refused to accept applicant's prior-submitted Second Declaration Under 37 C.F.R. §1.131, for failure to show the ceiling in the

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exhibit, but now seeks to reject applicant's claim based on a Taiwanese publication that does not show mounting of a projector to a ceiling.

Additionally, the Examiner's characterization of US Patent Application Publication No. 2003/0151922 as a translation of Peng et al. (TW Patent No. 500968) is inappropriate. US Patent Application Publication No. 2003/0151922 is not necessarily a translation of Peng et al. (TW Patent No. 500968). The Examiner has not established that the disclosure of US Patent Application Publication No. 2003/0151922 existed until January 31, 2003. Applicant also notes that US Patent Application Publication No. 2003/0151922 was previously eliminated as a reference based on his Declaration Under 37 C.F.R. §1.131 (submitted December 20, 2004). The Examiner acknowledged that such Declaration Under 37 C.F.R. §1.131 was sufficient to overcome US Patent Application Publication No. 2003/0151922 in the Office action dated May 27, 2005.

For at least the foregoing reasons, the rejection of claim 20 under 35 U.S.C. § 102(a) based on Peng et al. (TW Patent No 500968) must be withdrawn.

Claim 21 stands "rejected under 35 U.S.C. § 103(a) as being unpatentable over Peng et al. (US Patent Application Publication No. 2003/0151922) in view of Rodriguez, Jr. et al. (US Patent No. 6,082,864)." Applicant notes, however, that it previously was established that Peng et al. (US Patent Application Publication No. 2003/0151922) was not prior art based on applicant's Declaration Under 37 C.F.R. §1.131 (submitted December 20, 2004). The Examiner acknowledged that such Declaration Under 37 C.F.R. §1.131 was sufficient to overcome US Patent Application Publication No. 2003/0151922 in the Office action dated May 27, 2005. For at least this reason, the

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rejection under 35 U.S.C. § 103(a) thus must be withdrawn. Finality of the present Office action thus also must be withdrawn.

Conclusion

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner R. Blackman, Group Art Unit 2851, Assistant Commissioner for Patents, at facsimile number (571) 273-8300 on April 10, 2006.



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